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IN THE HIGH COURT OF KARNATAKA AT BANGALORE  
DATED THE 1ST DAY OF <sup>APRIL</sup> ~~PARIL~~ 1998

BEFORE

THE HON'BLE MR. JUSTICE H.RANGAVITTALACHAR

H.R.R.P. Nos. 556/1998 C/w 557/1998

Mr. Mahaboob Ali Khan,  
major, s/o. late Mr. J.A.  
Rahman Khan,  
No.13, Old No.6-D,  
Ulsoor Road Cross,  
Bangalore-560 008.

: PETITIONER  
(COMMON IN BOTH)

(BY Sri. M.N. Dayananda, Advocate)

-vs-

IN HRRP 556/1998:

Mr. Shabbirkhan,  
major, s/o. Mr. Jaffar Khan,  
r/a. No.15/1,  
Dispensary Road,  
Civil Station,  
Bangalore-560 001.

: RESPONDENT

IN HRRP 557/98:

Mrs. Shabana Begum,  
w/o. Mohammed Arif,  
major, r/a. No.15/1,  
Dispensary Road,  
Civil Station,  
Bangalore-560 001.

:RESPONDENT

(BY Sri. Mehter M. Azzam for C/R. in both)

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HRRPs are filed U/s.50(1) of the KRC Act  
against the order dated 15.1.1998 passed in  
10248/96 & 10243/96  
HRC Nos. 10442 & 10243/96 on the file of the  
XIII Addl. Judge, Court of Small Causes, Bangalore.

These HRRPs coming on for Admission this  
day, the court made the following:

ORDER

HRRP Nos. 556/98 & 557/1998

ORDER

Tenant is aggrieved by the order of the  
Judge of Small Causes ordering clubbing of

HRC Nos.10242/96 with HRC No.10243/96.

The tenant in both the cases is one and the same person and the premises in both the cases are adjacent to each other; On an earlier occasion, the learned Judge, of the Small Causes by his order dtd.28.6.1997 has passed an order clubbing the cases and to adduce common evidence. The said order was challenged before this court in HRRP Nos.995/97 connected with HRRP 996/97. This court by an order dt: 26.11.97 had remanded the matter to the trial court to consider the objection of the revision petitioner herein regarding recording of common evidence. After remand, by his order on I.A.V again in consideration of the facts ordered common evidence to be recorded in both the cases. However he has clarified that the

"Respondent is at liberty to cross-examine petitioner in each of the case".

In my opinion, the order of the learned Judge sufficiently safeguards the interest of the revision petitioner. It is always

open to the revision petitioner herein when the evidence is being recorded to object demonstrate the prejudice if any that he suffers the learned Judge shall take the same into consideration and act appropriately.

With these observations, this revision petition is rejected.

sd/-

JUDGE

MVT

R.BY: MR - C.BY: AB



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Assistant Registrar

High Court of Karnataka

Bangalore-560 001

25/11/98